IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1516 OF 2005

Satish Ashok Sabnis ...Petitioner
Vs.
The State of Maharashtra & Anr. ...Respondents

Shri. A.S. Khandeparkar for the Petitioner.
Ms Rajeshree Gadhvi, A.P.P. for the Respondent No.1.
Shri. B.B. Parekh with A.W.Anari for the Respondent No.2.

CORAM : A. S. OKA, J.
DATE : AUGUST 30, 2005.

P.C.:

1. Heard the Advocate appearing for the Petitioner, the learned A.P.P. for the State and the learned Advocate appearing for the Respondent No.2. The challenge in this Petition is to the order dated 13th May, 2005 passed by the learned Judicial Magistrate, First Class at Pimpri. By the said order Application made by the Petitioner for modification of conditions incorporated in earlier order dated 07th January, 2005 has been rejected.

2. Condition No.2 in the order date 07th January, 2005 reads thus:

> 2) Accused No.4 shall not leave the jurisdiction of this Court and shall not leave India without prior permission of the Court till further orders.

It is not in dispute that on the basis of liberty granted by this Court by order dated 13th July, 2005, an Application was made by the Petitioner to the Trial

Court and on the said Application Trial Court permitted the Petitioner to go abroad for a limited period. The submission of the learned Counsel appearing for the Petitioner is that looking to the nature of business carried on by the Petitioner, the condition No.2 is unreasonable and arbitrary considering the allegations made in the private complaint filed by the Respondent No.2. The Petitioner is accused No.4 in the said private complaint. He submitted that the said condition causes inconvenience to the Petitioner. The learned Counsel appearing for the Respondent No.2 has opposed the Petition filed by the Petitioner.

3. I have considered the submissions. Considering the nature of accusations in the private complaint filed by the Respondent No.2, in my view the restraint imposed by the learned Judicial Magistrate on the Petitioner not to leave the jurisdiction of the Court is unreasonable. The said condition requires the Applicant to take permission of the court even if he wants to leave Pimpri. The said condition deserves to be set aside. However, so far as the later part of the condition is concerned, in my view, the learned Magistrate was justified in imposing the said condition considering the facts and circumstances of the case.

4. Hence, this Petition must partly succeed and I pass the following order:

: O R D E R :

i) The condition No.2 in the order dated 07th January, 2005 passed by the Trial Court will be substituted by following

> 2) The accused No.4 shall not leave India without prior permission of the Court till further orders.

ii) If the private complaint filed by the Respondent No.2 is not decided by the Trial Court on or before 31st December, 2006, the Petitioner will be at liberty to apply to the Trial Court for modification of the aforesaid condition.

iii) Parties and the concerned court to act upon an authenticated copy of this order.

JUDGE